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The purpose of this ordinance is to create Section 14-6 of Chapter 14, Article I of the Lake County Code, entitled Objects of Historical, Cultural or Archaeological Value. This new section preserves and protects objects of historical, cultural or archaeological value in Lake County by prohibiting excavation, defacement, damage, removal, or any other disturbance of such objects without the express written permission of the property owner.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; CREATING SECTION 14-6 OF CHAPTER 14, ARTICLE I, OF THE LAKE COUNTY CODE, ENTITLED OBJECTS OF HISTORICAL, CULTURAL OR ARCHAEOLOGICAL VALUE; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITION OF CERTAIN ACTIVITIES RELATING TO OBJECTS OF HISTORICAL, CULTURAL OR ARCHAEOLOGICAL VALUE; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, objects of historical, cultural or archaeological value are an irreplaceable part of a community's heritage; and

WHEREAS, these objects are increasingly endangered because of their commercial attractiveness; and

WHEREAS, existing Federal and State laws do not provide adequate protection to prevent loss and destruction of these objects; and

WHEREAS, the Board desires to sustain, enhance, protect and conserve Lake County's objects of historical, cultural or archaeological value for present and future generations, and

WHEREAS, the Board determines that regulating certain unauthorized activities relating to objects of historical, cultural or archaeological value is in the best interest of the citizens of Lake County, Florida.

activities relating
of the citizens of

1 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of
2 Lake County, Florida, as follows:

3
4 **Section 1. Recitals.** The foregoing recitals are true and correct and incorporated
5 herein.

6
7 **Section 2. Creation.** Section 14-6 of Chapter 14, Article I, of the Lake County
8 Code, entitled Objects of Historical, Cultural or Archaeological Value, is hereby created to read
9 as follows:

10
11 **Section 14-6. Objects of Historical, Cultural or Archaeological Value.**

12
13 **(a) Purpose.**

14 The purpose of this section is to preserve and protect objects of intrinsic historical,
15 cultural or archaeological value in Lake County.

16
17 **(b) Definitions.**

18 When used within this section, the following definitions shall apply:

19
20 (1) *Object of historical, cultural or archaeological value* means any object of past
21 human life, activities or culture which is of historical, cultural or archaeological
22 significance, including but not limited to artifacts, specimens, relics, physical
23 remains, ruins, coins, arrowheads, inscriptions, shards, pottery, basketry, bottles,
24 weapons, weapon projectiles, tools, and structures or portions thereof.

25
26 (2) *Person* means an individual, partnership, association, corporation, company, estate,
27 trust, government, governmental subdivision, agency or instrumentality, public
28 corporation or any other legal or commercial entity.

29
30 **(c) Prohibited activity.**

31 It is a violation of this section for any person to excavate, appropriate, injure, disturb,
32 probe, remove or attempt to remove, deface, damage, loot, destroy, or otherwise alter any
33 object of historical, cultural or archaeological value located on, under or upon any land
34 within Lake County owned or controlled by another person without the express written
35 permission of the owner or their designee.

36
37 **(d) Penalties.**

38 (1) Criminal penalties. The sheriff of Lake County, Florida and his or her deputy
39 sheriffs are hereby authorized and empowered to investigate and to arrest any
40 person when there is probable cause to believe that person is violating this section.

Pursuant to section 125.69, Florida Statutes, any person who violates this section shall be subject to prosecution in the name of the state in the same manner as misdemeanors are prosecuted, and upon conviction, such person shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment.

(2) Code Enforcement Special Master. The Lake County Code Enforcement Special Master shall have concurrent jurisdiction to enforce the provisions of this section.

(3) A violation of this section which causes damage, injury, annoyance or inconvenience to the public health, safety or welfare is hereby declared a public nuisance, and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction. Each separate occurrence shall be a separate violation.

(4) The penalties listed herein shall in no way limit or supersede any other remedy or penalty available at law or in equity, including, but not limited to, criminal theft, civil theft, and civil restitution.

Section 3. Inclusion in Code. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code, and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. Severability. If any section, sentence, clause, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of the Ordinance.

Section 5. Filing with the Department of State. The Clerk shall be and is hereby directed to send a certified copy of this Ordinance forthwith to the Secretary of State for the State of Florida.

INTENTIONALLY LEFT BLANK

Ordinance 2011- 37; Creating Section 14-6 of Chapter 14, Article I, Lake County Code, entitled Objects of Historical, Cultural or Archaeological Value

Section 6. Effective Date. This Ordinance shall become effective as provided for by law.

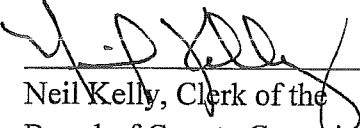
Enacted this 19th day of July, 2011.

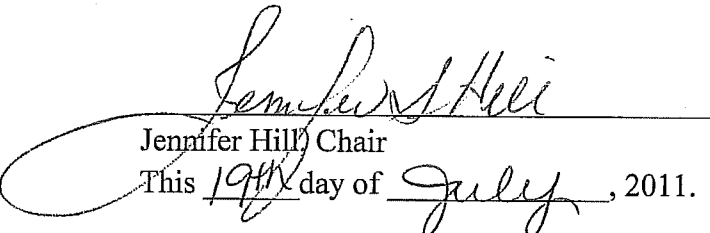
Filed with the Secretary of State July 26, 2011.

Effective July 26, 2011.

ATTEST:

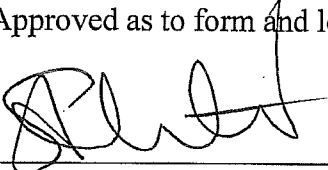
BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA


Neil Kelly, Clerk of the
Board of County Commissioners
of Lake County, Florida


Jennifer Hill Chair

This 19th day of July, 2011.

Approved as to form and legality:


Sanford A. Minkoff
County Attorney